

JAP:MPC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

11-335 M

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(21 U.S.C. §§ 841(a)(1)
and 841(b)(1)(B)(vii))

JEFFREY BROST,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

CARLOS GIRALDO, being duly sworn, deposes and states that he is a Special Agent with the Drug Enforcement Agency ("DEA") duly appointed according to law and acting as such.

Upon information and belief, in or about and between June 2010 and the present, within the Eastern District of New York and elsewhere, defendant JEFFREY BROST did knowingly, intentionally and unlawfully attempt to possess and possess with intent to distribute a substance containing methamphetamine, a Schedule I controlled substance.

(Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B)(vii) and 846).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. On or about March 1, 2011, a manager at a Federal Express ("FedEx") facility in Los Angeles, California noted that a package (the "suspect package") at the FedEx facility was emitting a suspicious odor. The FedEx manager opened and inspected the contents of the suspect package and noted that it contained a substance that appeared to be methamphetamine.

2. The FedEx manager contacted a Los Angeles Sheriff's Department Detective to report what he had found in the suspect package. Thereafter, the Detective seized the suspect package and confirmed that it contained about four ounces of methamphetamine. The Detective then contacted Drug Enforcement Administration ("DEA") Special Agents in New York.

3. The suspect package, which was sent on March 1, 2011, was addressed to "Jeff Brost" at 66-19 242 Street Apartment 2F in Queens, New York with a telephone number of 212-810-0305. The suspect package was purportedly sent by C. Fortuna at 1486 N. Fuller Avenue, Los Angeles, CA 90046, with a telephone number of 212-810-0305.

4. Upon further investigation, it was determined that the suspect package was billed to FedEx account number 247541063 which was registered in the name of Jeffrey Brost. According to FedEx officials, on March 4, 2011, a person called FedEx to ask about the location of the suspect package. The caller identified himself as "Jeffery Brost" and left a telephone number with FedEx

(212-810-0305) that matched the telephone number provided for Brost on the suspect package.^{2/}

5. Further investigation revealed that in addition to the suspect package, there were three other packages sent from California to Jeffery Brost at 66-19 242 Street Apartment 2F in Queens. Specifically, on March 1, 2011 (the same day the suspect package was sent), a separate package was also sent to the the defendant from C. Fortuna at 1486 N. Fuller Avenue, Los Angeles, CA 90046. Additionally, on June 28, 2010, two packages were sent to Brost at 66-19 242 Street Apartment 2F in Queens from ANG Fortuna at 9201 W. Sunset Boulevard, Suite 601, West Hollywood, CA 90069. Notably, the suspect package and the three additional packages addressed to Brost each weighed about one pound. Moreover, all of the packages were sent using Brost's FedEx account number of 247541063.

6. A warrant was issued on March 28, 2011 authorizing a search of the defendant's residence. Agents from DEA executed the warrant at the defendant's residence on March 31, 2011.

7. During the execution of the warrant agents interviewed the defendant, JEFFREY BROST. During that interview, and after being advised of his rights, the defendant admitted to receiving methamphetamine via Fed Ex since at least June of 2010.

^{2/} Phone records from Verizon indicate that Brost is the subscriber on phone number 212-810-0305.

He admitted that in March of 2011 he received a package that contained three ounces of methamphetamine. He also admitted that he expected to receive the suspect package at the same time he received the three ounce package but that the suspect package failed to arrive. He admitted to agents that he knew the suspect package that failed to arrive in March contained methamphetamine. The defendant also admitted to receiving at least three packages of methamphetamine via Fed Ex for the purpose of selling the methamphetamine in New York.

WHEREFORE, your deponent respectfully requests that the defendant be dealt with according to law.

S/ Carlos Giraldo

CARLOS GIRALDO
Special Agent
Drug Enforcement Agency

Sworn to before me this
31st day of March, 2011

s/ Marilyn Go

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK